

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 UNITED STATES OF AMERICA, Case No. 1:05CR0182
5 Cleveland, Ohio
6 Plaintiff, Monday, March 13, 2006
7 vs. 10:20 a.m.

8 ABRAR U. HAQUE, et al.,
9 Defendants.

10 TRANSCRIPT OF PROCEEDINGS
11 BEFORE THE HONORABLE DONALD C. NUGENT,
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Government: James V. Moroney, Jr.
15 Matthew B. Kall
16 Assistants United States Attorney
17 801 West Superior Avenue
18 400 U.S. Court House
19 Cleveland, Ohio 44113
20 (216) 622-3600

21 For the Defendants
22 Abrar U. Haque: Thomas Paris
23 Nuzaira M. Haque: Debra Hughes
24 Mohammed Shahabuddin: John S. Pyle
25 Akram Haque: James A. Jenkins
Abdur Rashid: Gary H. Levine
Marwan Mustafa: Anthony J. Vegh
Ameed Abuzahrieh: Steven L. Bradley
Ayman Abdelhady: John S. Pyle
Hani Ottallah: Joseph B. Rose III
Nesreen Assad: Joseph B. Rose III
Nihad Doleh: Gary H. Levine
Mohammad Hammad: Thomas G. McNally
Yamin Imran: Michael J. O'Shea

Official Court Reporter: Heidi Blueskye Geizer, RMR-CRR
United States District Court
801 West Superior Avenue
7-178 U.S. Court House
Cleveland, Ohio 44113
(216) 357-7092

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 MORNING SESSION, MONDAY, MARCH 13, 2006 10:20 A.M.

2 THE COURT: Okay. We are here in Case Number
3 05CR182. It is titled the United States versus Mr. Haque,
4 et al., and every defendant is present in Court. I don't
10:19:16 5 think it's necessary that I go through each defendant's
6 name, except what I'm going to do is read the speedy trial
7 waiver and then ask counsel for each defendant to
8 acknowledge what's transpired here.

9 So all of the folks who are charged in this case know
10:19:34 10 what's happened, we just met, I met with your lawyers, as
11 you know. The government turned over what we call
12 discovery, which is a bunch of information that they say is
13 related to the charges in the case. And it included
14 probably 15 or so disks that have to be reviewed by each of
10:19:56 15 your lawyers, and then evaluated, and then your lawyers have
16 to talk to you about what the contents of the information
17 actually is as to whether it applies to you or not.

18 And all the lawyers have indicated to me that they
19 need a significant amount of time to review all of this, and
10:20:15 20 that they're asking that the case be continued, the trial
21 that's been scheduled for Monday to be continued. Monday is
22 the 20th of March.

23 I said I'm agreeable to that as long as everybody
24 understands what's happening, and then all the parties have
10:20:32 25 agreed or suggested to me that we have a trial date of July

1 17th. Now, if I agree to that, that means we'll set it that
2 day, and then absent some dramatic occurrence, we will
3 actually go forward on July 17th.

4 So I'm going to read the waiver and then individually
10:20:52 5 ask counsel if that's what everybody is desirous of doing.

6 It says, "For reasons orally set forth, this Court
7 finds that the ends of justice which would be served by the
8 granting of a continuance outweigh the best interests of the
9 public and the defendant in a speedy trial," that is 18,
10:21:09 10 United States Code, Section 3161(h) (8) (A).

11 "Accordingly, the below signatures reflect the
12 parties' representations that the defendant has waived
13 rights to a speedy trial pursuant to the Speedy Trial Act of
14 1974, hereinafter the Act.

10:21:23 15 "The defendant further represents that he or she has
16 discussed his or her rights under the Act, and specifically
17 waives any and all such rights.

18 "The attorney for the defendant hereby represents that
19 he or she has discussed the defendant's rights under the Act
10:21:38 20 with him or her, is satisfied that the defendant understands
21 said rights, and concurs with the decision of the defendant
22 to waive said rights."

23 Now, Mr. Moroney, you signed on behalf of the United
24 States. Is that the government's position? Are you
10:21:51 25 agreeable to this?

1 MR. MORONEY: Yes, Your Honor.

2 THE COURT: Thank you. Then I will start --
3 who wants to be the first? Mr. Paris.

4 MR. PARIS: Yes. I'll be the first, Your
10:22:01 5 Honor.

6 THE COURT: Where is Debra?

7 MS. HUGHES: Right here.

8 THE COURT: We'll have Debra go because she
9 has to leave, and then what I'm going to do is ask each
10:22:09 10 lawyer to identify herself or himself, whom they represent,
11 or who they are representing for purposes of today's
12 hearing, and indicate whether this is what their client
13 wishes to do. Then you'll be excused.

14 And then if any of the persons accused here have any
10:22:25 15 objections or want to say anything, wave your hand so I can
16 acknowledge you, and then you can say whatever you wish.

17 Debra?

18 MS. HUGHES: Your Honor, may it please the
19 Court, Debra Hughes on behalf of Nuzaira Haque.

10:22:39 20 Your Honor, Mrs. Haque is not present today. Her
21 child is extremely ill.

22 Your Honor, I've explained to her and discussed with
23 her the speedy trial waiver. We agree fully with the
24 Court's and everyone else's decision to have the trial in
10:22:52 25 July.

1 Thank you.

2 THE COURT: Thank you. And you're excused,
3 Debra --

4 MS. HUGHES: Thank you, sir.

10:22:58 5 THE COURT: -- on time. Have a good day.

6 What are you raising your hand for?

7 MR. JENKINS: I was hopeful of making a 10:30
8 appointment, Your Honor.

9 On behalf of Akram Haque, we agree to the waiver as
10:23:10 10 stated by the Court.

11 THE COURT: Who are you?

12 MR. JENKINS: James A. Jenkins, Your Honor.

13 THE COURT: Nobody follows directions. I said
14 identify yourself and whom you represent. Debra did it, and
10:23:19 15 you didn't. Simple instructions.

16 Thank you. It's going to be a long trial.

17 MR. JENKINS: Thank you, Judge.

18 THE COURT: Thanks. Next volunteer. Thomas?

19 MR. PARIS: Your Honor, I'm Thomas Paris on
10:23:33 20 behalf of my client, Abrar Haque. We agree to a
21 continuance.

22 THE COURT: In other words, I granted your
23 continuance, didn't I.

24 MR. PARIS: Yes.

10:23:42 25 MR. McNALLY: Your Honor, Thomas McNally. We

1 also agree to the continuance as previously stated by the
2 other defendants.

3 THE COURT: Thank you. Gary?

4 Sorry, John.

10:23:52 5 MR. LEVINE: Gary Levine here on behalf of
6 Mr. Abdur Rashid. He is aware.

7 And for purposes of today, Mr. Nihad Doleh, on behalf
8 of David Levine, who is in the hospital.

9 Both of them have been explained what the significance
10:24:12 10 is of the waiver, and they have agreed to its terms, and
11 consent to a continuance to the 17th of July.

12 THE COURT: Thank you. Thank you. John?

13 MR. PYLE: Your Honor, John Pyle on behalf of
14 Mohammed Shahabuddin.

10:24:26 15 We have executed a waiver, and we ask the Court to
16 continue the trial date until July in the furtherance of
17 justice.

18 Also on behalf of Mr. Angelo Lonardo's client, and
19 forgive me if I mispronounce the name, Ayman Abdelhaby.

10:24:43 20 MR. KALL: "Abdelhaby."

21 MR. PYLE: Mr. Lonardo has indicated he, too,
22 waives speedy trial on behalf of his client and agrees to
23 the July 20th trial date.

24 THE COURT: Thank you.

10:25:00 25 MR. VEGH: Your Honor, Tony Vegh on behalf of

1 Marwan Mustafa. I've explained to my client the speedy
2 trial rights. He agrees to waive them until July 17th.
3 Thank you, Judge.

4 THE COURT: Thank you.

10:25:13 5 Really, everybody is waiving, and I'm setting it for
6 July 17th trial date. I'm hoping that I will be in trial on
7 something else, but we're not waiving just until that date.
8 It's indefinite.

9 MR. VEGH: He's waiving, Your Honor, I was
10:25:26 10 just referring to the trial date.

11 MR. BRADLEY: Steve Bradley, Your Honor, on
12 behalf of Ameer Abuzahrieh. My client, too, has executed
13 the speedy trial waiver and would consent to a continuance
14 of the trial.

10:25:37 15 MR. O'SHEA: Your Honor, Mike O'Shea on behalf
16 of the defendant Yamin Imran. We consent to the continuance
17 to the 17th, and we have signed the speedy trial waiver.

18 THE COURT: Thank you. Mr. Rose?

19 MR. ROSE: Your Honor, on behalf of Mr. Assad
10:25:53 20 and Ottallah, I've explained to them their rights under the
21 rule. They signed the waiver form, signed it, agreed to it.
22 We agree to the continuance at this time.

23 THE COURT: Thank you. Now, who does
24 Mr. Drucker represent, Mr. Moroney?

10:26:04 25 MR. MORONEY: Omar Abedrabbo.

1 THE COURT: Omar, are you here?

2 Guess not. Where might he be, I wonder, or
3 Mr. Drucker; and/or Mr. Drucker.

4 MR. MORONEY: I believe that we had
10:26:20 5 conversation with Mr. Drucker last week. I thought he was
6 planning on being here, Judge.

7 THE COURT: We'll contact them. You can get
8 together, because you've been in discussions with him
9 already.

10:26:29 10 MR. MORONEY: Yes, that is correct.

11 THE COURT: Thank you very much.

12 I'll see you. And if anybody wants a pretrial or a
13 meeting or anything, if you are having trouble with
14 discovery or any other issue in the case, then all you have
10:26:40 15 to do is let me know, and we'll set it right up.

16 - - - - -

17 (Proceedings adjourned.)

18

19 C E R T I F I C A T E

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21 I certify that the foregoing is a correct transcript
22 from the record of proceedings in the above-entitled matter.

23

24 s/Heidi Blueskye Geizer October 21, 2010

25 Heidi Blueskye Geizer, RMR-CRR Date